

Order

Michigan Supreme Court
Lansing, Michigan

February 7, 2007

131854 & (24)

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

JEFFREY ALAN MAXON, SR.,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 131854
COA: 267481
Lapeer CC: 00-007103-FC

By order of December 13, 2006, the prosecuting attorney was directed to answer the application for leave to appeal the July 26, 2006 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Lapeer Circuit Court for resentencing. The defendant was sentenced under the judicial sentencing guidelines even though all of the offenses he was convicted of occurred after the effective date of the legislative sentencing guidelines, MCL 777.1, *et seq.* On remand, the Lapeer Circuit Court shall sentence the defendant within the appropriate legislative sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247 (2003). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 7, 2007

Corbin R. Davis

Clerk